

100. Copy of laws October 2d 1856
Publication Day Oct 2d same day.

ELECTION LAWS

OF THE

STATE OF MARYLAND,

NOW IN FORCE:

WITH SUCH

Portions of the Constitution

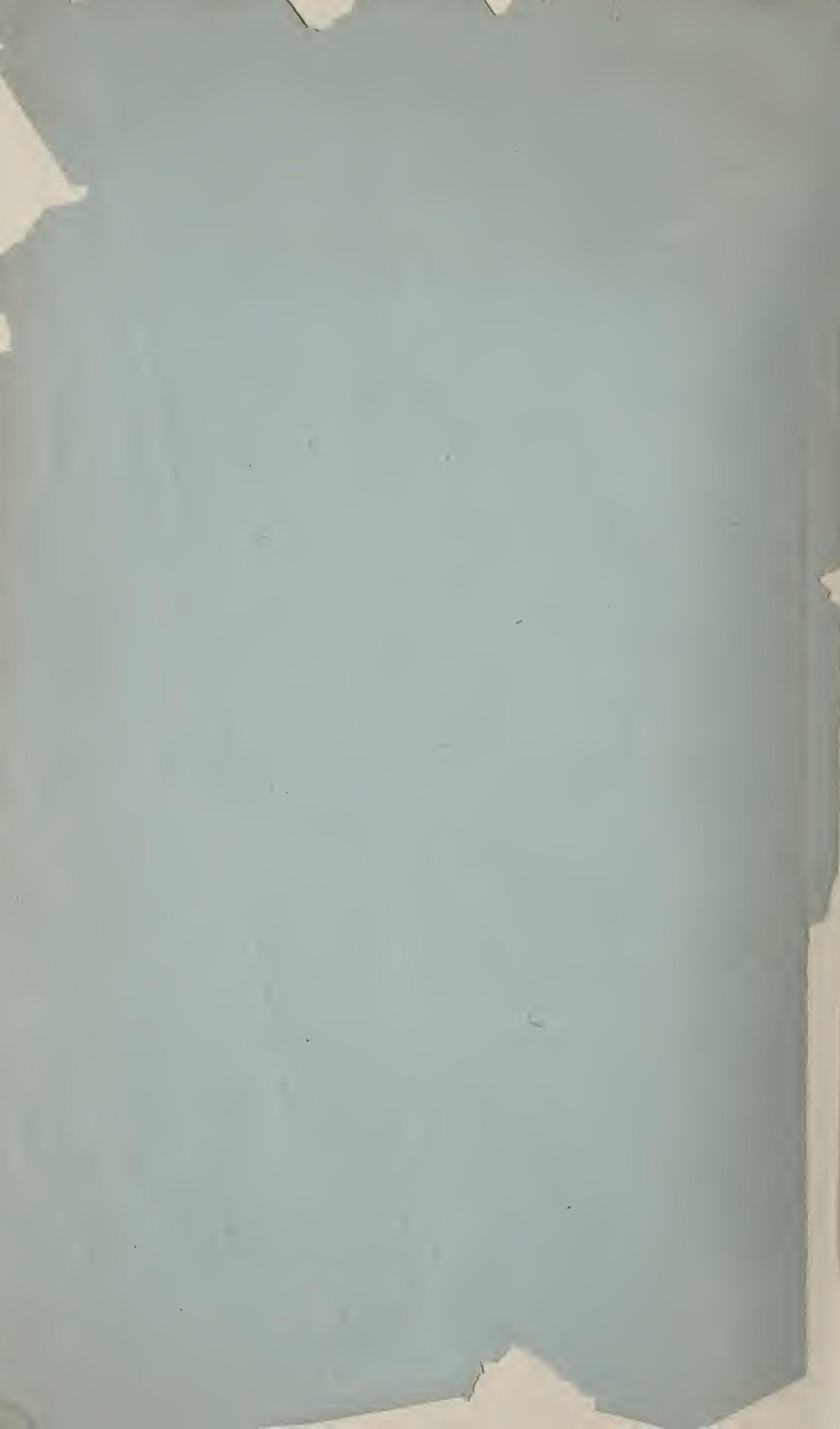
AS RELATE TO THE ELECTIVE FRANCHISE.

BALTIMORE:

GEORGE W. BOWEN & CO.

CITY PRINTERS.

1856.



Maryland laws, statutes, etc.

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A D V E R T I S E M E N T.

THE edition of the election laws now presented to the public, commends itself, by the fact that neither time nor pains has been spared to make it a complete compilation of the laws upon that subject. As a long period of time has elapsed since a similar publication has been attempted, the publishers availed themselves of the services of a gentleman of experience in works of the kind, and it will be observed, that in addition to a thorough revision of the laws, leaving out such portions as have been repealed by subsequent legislation, and adding, in their proper places, amendments made thereto, he has added side notes of great value, and prepared an index which is itself an abridgment of the election laws, and by which, it is hoped, the reader will be enabled, without difficulty, to find, under its proper head, any matter relating to elections on which there has been legislation by this State.

October, 1856.

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Extracts from the Constitution.

ARTICLE 1.

THE ELECTIVE FRANCHISE.

Section 1. Every free white male person, of twenty-^{Qualifications}_{of voters.} one years of age or upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held ; and at all such elections ^{Vote to be by ballot.} the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions ^{When county or city is divided into separate districts.} of different electoral districts for the election of Congressmen, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer he must ^{Residence required.} have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election ; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

^{Where entitled to vote, when a resident of the county or city, but not of the district six months.}

Bribery.

Sec. 2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present, or reward, or any promise, or any security for the payment or delivery of money or any other thing, to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to obtain or procure a vote for any candidate or person proposed or voted for as elector of President and Vice President of the United States, or representative in Congress, or for any office of profit or trust created by the Constitution or laws of this State, or by the ordinances or authority of the Mayor and City Council of Balti-

The parties giving or receiving bribes to be punished on conviction. more, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to

Also disqualified to hold office or vote thereafter. the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Illegal voting to be punished.

Sec. 3. It shall be the duty of the General Assembly of Maryland to pass laws to punish with fine and imprisonment any person who shall remove into any election district, or ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of the Constitution,) or shall, at the same election, vote in more than one election district or ward, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside. (1)

Persons elected to office to take an oath.

Sec. 4. Every person elected or appointed to any office of profit or trust under the Constitution or laws made pursuant thereto, before he shall enter upon

(1) See act of 1853, chapter 133, page 31.

the duties of such office shall take and subscribe the following oath or affirmation: I, A. B., do swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; that I will to the best of my skill and judgment diligently and faithfully, without partiality or prejudice, execute the office of —— according to the Constitution and laws of this State, and that since the adoption of the present Constitution, I have not, in any manner, violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given; (and if a Governor, Senator, member of the House of Delegates, or Judge,) “that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as ——.” And if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law, incur the penalties, for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State. (1)

Sec. 5. That no person above the age of twenty-one years, convicted of larceny or other infamous crime, unless he shall be pardoned by the Executive, shall ever thereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or as a person non compos mentis, shall be entitled to vote.

(1) Additional oaths of office are prescribed by act of 1854, ch. 18.

Persons neglecting to take the oath to be considered as refusing to accept the office.

Swearing falsely to be deemed perjury.

Persons convicted of crimes, lunatics, or persons non compos mentis, not entitled to vote.

ARTICLE X.

Elections to be regulated by law

Proviso.

Sec. 6. The Legislature shall have power to regulate by law all matters which relate to the judges, time, place and manner of holding elections in this State, (1) and of making returns thereof, (2) provided that the tenure and term of office, and the day of election shall not be affected thereby.

Sheriffs to give notice of elections.

Sec. 9. The sheriffs of the several counties of this State, and of the city of Baltimore, shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing laws for elections under the present Constitution.

(1) See act of 1852, chapter 183, page 30.

(2) See act of 1853, chapter 134, page 31.

ELECTION LAWS

OF THE

STATE OF MARYLAND.

NOTE.—Those portions of Acts of Assembly which have been repealed, have been omitted, and the omissions supplied by (**), while alterations by subsequent legislation are *italicised* in each case.

1805—CHAPTER 97.

An Act to reduce into one the several Acts of Assembly respecting Elections, and to regulate said Elections.

WHEREAS, * * * by the Constitution of the Preamble, United States, (1) it is provided that the House of Representatives shall be composed of members chosen every second year, by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

And whereas it is further provided by the Constitution of the United States (2) that the executive power shall be vested in a President of the United States; that he shall hold his office during the term of four years, and together with the Vice President chosen for the same term, be elected as follows: Each State shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the

(1) Article 1, section 2.

(2) Article 2, section 1.

State may be entitled in Congress: In order to carry the said provisions into effect, and to reduce into one the several existing laws on those subjects—therefore,

Sec. 2. (*Dividing the State into Congressional Districts.* This section has been remodelled from time to time. The act of Assembly now in force is that of 1853, chap. 280.)

Sec. 3. (*This section provided for the election of electors of President and Vice President by districts; now they are elected by general ticket.* 1833, chap. 261.)

Sheriffs to give three weeks notice of election. Sec. 4. And be it enacted, that the sheriffs of the several counties in this State respectively, under the penalty of fifty dollars, at least three weeks previous to every election regulated by this act, shall cause public notice to be given within their respective counties, by advertisements set up at the most public places within each district of the county, of the time and place of holding the several elections aforesaid.

Sheriffs to provide ballot boxes and poll books. Sec. 5. And be it enacted, that the respective sheriffs shall, under the penalty of five hundred dollars, provide or cause to be provided, and delivered to the judge or judges of the election in each district previous to, or at the commencement of each election, a box for receiving the ballots, and two separate books for the purpose of entering the voters names.

County Commissioners and Mayor and City Council to appoint judges of the elections. Sec. 6. And be it enacted, that the *County Commissioners* respectively shall annually appoint three persons for each election district resident therein, who, or a majority or any one of whom, in case of the non-attendance of the other two, shall be judges or judge of the election for such district from the time of their appointment until displaced by a new appointment.

(*In the city of Baltimore the judges of the elections are to be appointed annually by the Mayor and a convention of the two branches of the City Council.* 1852 chap. 183 sec. 3.)

Judges to be conservators of the peace. And the said judges, or such of them as shall attend shall be conservators of the peace during the continuance of the election, and until the ballots shall be counted, and the necessary certificates re-

quired by this act shall be made out and subscribed by the said judges and clerks; and shall be vested, and hereby are vested with the power and authority to commit offenders for any breach of the peace, in like manner as any justice of the peace for such county; and in case any of the said judges shall die, resign, remove out of the district, or become otherwise in the opinion of the *county commissioners* disqualified to act as judge, the said commissioners shall at any meeting thereafter, appoint a person as judge in his place; and at every appointment of judge or judges ^{Vacancies to be supplied.} as aforesaid, the clerk of the county shall record the same, and make out a warrant therefor; and the clerk shall within five days thereafter, deliver every such warrant to the sheriff of the county, and it shall be ^{Appointments to be recorded.} the duty of the sheriff, within ten days after receiving the same, to deliver the same to the person or persons so appointed, or leave it at his or their last place of abode, under the penalty of fifty dollars on the clerk ^{Sheriff to deliver warrant.} or sheriff respectively, who shall neglect his duty aforesaid. (1)

Sec. 7. And be it enacted, that any judge so appointed who shall not attend at the time appointed ^{Judges not attending—penalty.} for holding any election in his district, shall forfeit fifty dollars for every such neglect, unless prevented by sickness, or other sufficient cause, in the opinion of the court and jury, before whom the prosecution therefor shall be heard, tried and determined.

Sec. 8. And be it enacted, that in case neither of the judges aforesaid shall attend as aforesaid for the space of one hour after the time herein directed for ^{Judges not attending within one hour—others to be appointed.} opening the election, it shall and may be lawful for the justices of the peace for the said county then present at said place of election, or the majority of them, or for one justice of the peace, in the event of but one

(1) By November, 1812, chap. 19, the judges of election in each election district in Cecil county, shall appoint two constables of their respective districts, to attend on the days of election, for the preservation of the peace.

Their powers.

being present, or in case no justice of the peace shall be present, for the voters then present, or a majority of them, to choose, by ballot, three persons to be judges of said election, which said persons shall be and are hereby vested with, for that election, the same powers and authorities as if such persons had been chosen as judges by the commissioners aforesaid.

Sec. 9. *This section (fixing the times and places for holding elections) has been frequently changed, and is now entirely superseded by other acts of Assembly, and the provisions of the new Constitution.*

Clerks to be appointed.

Penalty on refusing to act.

Oath of judges.

Oath of clerks.

Sec. 10. And be it enacted, that the judges aforesaid shall appoint two clerks, being above the age of twenty-one years, to enter the names of the voters, separately and plainly, on the books provided for that purpose, and if any clerk so appointed, shall neglect or refuse to act, he shall forfeit and pay the sum of ten dollars.

Sec. 11. And be it enacted, that every judge of an election, before he proceeds to take or receive any vote, shall take the following oath, or affirmation, to wit: "I, A. B., do swear, or affirm, that I will permit all persons to vote who shall offer to poll at the election now to be held for — county, or — city, who in my judgment shall, according to the directions contained in this law and the constitution and form of government, be entitled to poll at the same election, and that I will not permit any person to poll at the same election who is not, in my judgment, qualified to vote as aforesaid, and will in all things execute the office of judge of the said elections, according to the best of my knowledge, without favor or partiality, so help me God;" that every clerk, before he enters any

vote on the polls, shall take the following oath, or affirmation, to wit: "I, A. B., do swear, or affirm, that I will well and faithfully, without favor, affection or partiality, execute the office of clerk of the election or elections now to be held, according to the best of my knowledge, so help me God." * * * (The

several judges may administer the oath required to be taken, to each other, or take the same before a justice of the peace, and their clerks may either be sworn by one of the judges or before a justice of the peace. 1852, chap. 183, sec. 3.) And a certificate of every such oath or affirmation, signed by the person administering the same respectively, shall be annexed to the polls.

Sec. 12. And be it enacted, that the elections afore-
Time of holding
elections.
 said respectively shall commence at nine o'clock in the morning of the respective days of the election, and shall continue without adjournment, and be closed at six o'clock in the evening of the same day, and no ballot shall be taken before the said hour of nine o'clock in the morning, nor after the said hour of six o'clock in the evening; and every voter shall deliver Manner of vot-
ing.
 to the judge or judges of the election in the district in which he offers to vote, a ballot, on which shall be written, or printed, the name or names of the person or persons voted for, and the purpose for which the vote is given, plainly designated; and the ballot so delivered in, and received by the judge or judges of the election shall be deposited in the ballot box till the poll be closed; and if any judge of an election, Judges not to
unfold ballots.
 or other person, after any ballot shall be delivered in as aforesaid, and before the poll is closed, shall unfold or open any such ballot, with design to discover the name or names therein contained, every person so offending shall forfeit and pay the sum of fifty dollars: Penalty.
 and if any voter shall offer any more than one ballot, If more than one
ballot offered.
 with a fraudulent design, every such person shall forfeit and pay the sum of twenty dollars for every such offence. Penalty.

Sec. 13. And be it enacted, that when the poll shall be closed, the box wherein the ballots are deposited, Ballot box to be
opened at close
of polls.
 shall be immediately thereafter opened by the judge or judges of the election, and the said judge or judges shall publicly, in the presence of such persons as may choose to attend, carefully take out the said ballots, and Ballots to be
counted.

read distinctly and aloud the name or names written or printed thereon respectively, and the clerks of such election shall carefully enter and keep an account of the same on the books of the polls, so that the number of votes for each candidate tallied thereon, may be readily cast up and known; and if upon opening Character of
ballots to be re-
jected. any of the said ballots there be found any more names written or printed on any of them than there ought to be, or if any two or more of such ballots or papers be deceitfully folded together, or if the purpose for which the vote is given is not plainly designated as within directed, such ballots shall be rejected, and not counted.

Statement or
certificate of
votes.

Sec. 14. And be it enacted, that as soon as the ballots shall be read off and counted, and the number for each candidate reckoned up and ascertained, the judge or judges of the election shall make out, under his or their hands, attested by the clerks of the election, or one of them, on the books of the polls, two plain, fair and distinct statements and certificates of the number of votes which shall be then and there given for each candidate, distinguishing the station or office for which he has been voted, which numbers shall be expressed in words at length, and not in figures only, according to the form following, or to the like effect, to wit: "State of Maryland, —— county, to wit: We, the undersigned duly appointed by the *County Commissioners* of said county, or by a justice of the peace, or the voters, (as the case may be) in due form of law, judge or judges of the election in district No. ——, do hereby certify and return that we did attend on the *first Wednesday of November*, in the year eighteen hundred and —— at ——, the place by law appointed for holding the elections within said district, and did then and there appoint —— and —— clerks of the election, who severally qualified as directed by law; we further certify that we did then and there * * * * qualify as judge or judges of the election, as by law directed, and did then and there, at the hour

Form of return.

of — o'clock in the morning, open the polls for an election of — delegates to represent said county in the general assembly, (or —, as the case may be) that we continued the polls open until six o'clock in the evening of the same day, when they were closed, the ballot box opened, and the ballots publicly counted, when it appeared that — had — votes as a delegate to the general assembly, (or —, as the case may be.) Given under our hands, at the place of election, this — day of —, in the year of our Lord eighteen hundred and —. Attested by —, — clerks."

Sec. 15. And be it enacted, that the presiding judges of elections, or in case of inability to attend, either of the other judges shall on the second day after every election (except in case of elections in the city of Baltimore where the judges shall meet on the day next succeeding the holding of said election) under the penalty of five hundred dollars, meet at the usual place of the sitting of the circuit court of each county, with the books of the polls and the certificates aforesaid:

(The returning judges shall make their returns in five days after each election, or sooner if practicable; and such returns shall be made in the several counties to the respective clerks of the circuit courts, and in the city of Baltimore, to the clerk of the superior court of that city. 1852, chap. 183, sec. 4.)

And the said judges when so assembled shall cast up the whole of the votes of all the districts, and shall make out two plain, fair and distinct statements and certificates of the number of votes which shall have been given for each candidate; if for delegates to the general assembly, in the following form or to the like effect, to wit:

To — Esq., Clerk of the Circuit Court for — county: (1)

Whereas an election for — delegates of — county to the general assembly of Maryland was held on the first Wednesday in November, (2) eighteen hundred

(1) Or Superior Court of Baltimore city. Act of 1852, chap. 183, sec. 4.

(2) See Constitution, article 3, section 5.

and —, in the districts of said county, distinguished by number one, two and three, &c., conformably to the constitution and laws of this State; and whereas, we the subscribers, attending judges at the close of the election in said districts, having this day assembled at the usual place of the sitting of the *circuit* court of said county, with the books of the polls, on which are endorsed the several certificates agreeably to law, and having cast up the whole number of votes given in said districts, according to the respective certificates made out on the day of election by the judges, it appears that —, —, —, and —, have the greatest number of legal votes; whereupon we do determine, declare and return, that the said —, —, —, and —, are duly elected delegates for — county, to the general assembly of Maryland. Given under our hands, this — day of November, eighteen hundred and —.

* * * * *

Form of return
for sheriff.

If for sheriffs, in the following form or to the like effect, to wit:

To — Esq., Clerk of the Circuit Court for — county:(1)

Whereas an election for two persons for the office of sheriff for — county, was held on the *first Wednesday in November*, (2) eighteen hundred and —, in the districts of said county, distinguished by number one, two, three, &c., conformably to the constitution and laws of this State; and whereas, we the subscribers, attending judges at the close of the election in said districts, having this day assembled at the usual place of the sitting of the *circuit* court of said county, with the books of the polls, on which are endorsed the several certificates agreeably to law, and having examined and cast up the whole number of ballots given in the said districts, agreeably to the respective certificates made out on the day of election

(1) See act of 1852, chapter 183, section 4.

(2) See Constitution, article 4, section 24.

by the judges, it appears that — had — ballots, and — had — ballots, and that — and — had a majority of legal ballots of the candidates properly qualified. Whereupon we do determine, declare and return that the said — and — are duly elected for the office of sheriff for — county. Given under our hands, this — day of November, in the year of our Lord, eighteen hundred and —.

If for representatives to Congress, in the following form or to the like effect, to wit:

To — Esq. Clerk of the Circuit Court for — county: (1) Form for representatives in Congress.

We, the subscribers, judges at the close of an election held on the *first Wednesday in November*, (2) in the year of our Lord, eighteen hundred and —, in the election districts of — county, distinguished by number one, two, three, &c., for the purpose of choosing a representative for the — district of this State, to serve in the Congress of the United States, having this day assembled at the usual place of the sitting of the *circuit court* of said county, with the books of the polls, on which are endorsed the several certificates agreeably to law, and having cast up the whole number of votes given in said districts according to the respective certificates made out by the judges, do return that — had — votes, and — had — votes, &c. Given under our hands, this — day of —, in the year of our Lord eighteen hundred and —.

If for *electors* of President and Vice President of the United States, in the following form, or to the like effect, to wit;

To — Esq. Clerk of the Circuit Court for — county: (1) Form of return for electors.

We, the subscribers, judges at the close of an election held on the *Tuesday after the first Monday in November*, (3) in the year of our Lord, eighteen hun-

(1) Or superior court of Baltimore city. See act of 1852, chapter 183, section 4.

(2) See act of 1852, chapter 52, section 1.

(3) See act of Congress, passed January 23, 1845.

dred and ——, in the election districts in —— county distinguished by number one, two, three, &c., for the purpose of electing —— electors for choosing a President and Vice President of the United States, conformably to the Constitution of the United States, and the laws of this State, having this day assembled at the usual place of the sitting of the *circuit court* of said county, with the books of the polls on which are endorsed the several certificates required by law, having cast up the whole number of votes given in said districts, according to the respective certificates made out by the judges, do return that —— had —— votes, and that —— had —— votes. Given under our hands, this —— day of ——, in the year of our Lord, eighteen hundred and ——.

Sec. 16. This section provided for separate returns where a county is divided so as to form portions of separate congressional or electoral districts. The electors are now elected by general ticket; (see act of 1833, chap. 261;) and the remainder of the section is superseded by the act of 1853, chap. 280, sec. 2.

Presiding judges
may adjourn un-
til all attend.

Sec. 17. And be it enacted, that if at the time appointed for the assembling of the said judges, any of them should be prevented from attending, in such case the judge or judges who shall attend, may adjourn from day to day, until the judges required to meet shall all assemble, immediately after which they shall proceed to perform the duties required as aforesaid.

Poll books and
returns to be
lodged with the
clerk of the cir-
cuit court.

*Sec. 18. And be it enacted, that the judges aforesaid shall respectively lodge with the clerk of the *circuit court*, within one day from their meeting as aforesaid, the books of the polls of all the districts in said county, together with a certificate of all the votes given in the said districts. * * **

Sec. 19. This section directed returns to be made to the chancellor in certain cases. All returns are now to be made in the counties, to the clerks of the circuit courts, and in the city of Baltimore, to the clerk of the superior court, 1852, chap. 183, sec. 4.

Sec. 20. And be it enacted, that the said respective clerks of the circuit courts, with whom the said certificates and polls are lodged, shall, under the penalty of one hundred dollars, make out a true copy of said certificate lodged with him by the judges aforesaid, of all the votes, under the seal of his office, within five days after the same shall be as aforesaid deposited, and the same when made out, enclose and seal up, directed to the governor, * * * endorsed "on public service," to be by the said clerk, within the time last mentioned, placed in the nearest post-office, and to be transmitted as aforesaid.

(The returns of elections are further regulated by the act of 1853, chapter 134.)

Sec. 21. And be it enacted, that the electors of President and Vice President aforesaid, * * * shall assemble at Annapolis. Electors to assemble at Annapolis.

assemble on the first Wednesday of December in every fourth year counting from eighteen hundred and eight, unless the Congress of the United States should by law otherwise direct, and in that event, on the day thereby directed, at the city of Annapolis, and shall then and there perform the duties enjoined upon them by the constitution of the United States, and the laws made in pursuance thereof.

Sec. 22. And be it enacted, that for all elections * * * in the city of Baltimore * * * the said Elections in the city of Baltimore to be by wards.

city is hereby divided into * * wards (1) or districts, as divided * * for choosing members of the first branch of the city council and the judges of the said elections for members of the first branch of the city council of Baltimore aforesaid * * * appointed from time to time under the corporation of the said city, shall be the judges of the elections aforesaid, and the said judges shall hold and conduct the said elections at the several places prescribed by the ordinances of the said city for holding the elections for members of the first branch of the city council of said

(1) The city is now divided into twenty wards in pursuance of the act of 1844, chapter 282.

city, and shall in all other respects, as to time and manner of holding said elections, and ascertaining and declaring the persons elected, pursue and observe, under the penalties hereinbefore imposed on the other judges of elections, the several rules and regulations by this act prescribed to the several judges of elections in the county districts aforesaid, in relation to similar elections, and conform themselves to the laws and constitution of this State in relation to such elections, and to the persons whom they shall permit to vote at the same.

Sec. 23. This section, requiring the Mayor of the city of Baltimore to give notice of elections under this act is repealed by 1852, chap. 183, sec. 5, except so far as relates to elections of the mayor and city council.

Sec. 24. This section, requiring a person qualified to vote in the election district in which he resides and at no other place, is superseded by section 1, article 1, of the new constitution.

Penalty for offering to vote a second time. Sec. 25. And be it enacted, that if any person at any election, having voted once, shall offer to vote again in the same district or county, he shall be subject to a penalty of ten dollars for such offence * * and * * the offender may be immediately apprehended therefor by a warrant of a justice of the peace, or judge of the election, issued in the name of the State, and shall be tried by such justice or judge respectively.

The remainder of this section is merged in the act of 1853, chap. 133, passed in pursuance of section 3, article 1, of the new constitution.

Persons voting twice may be presented. Sec. 26. And be it enacted, that if any person shall vote twice at one election, he shall be liable to a presentment in the circuit court of the county, where he may reside and may be fined not exceeding forty dollars, and imprisoned not exceeding one month in the discretion of the court.

Persons attempting to overawe elections. Sec. 27. And be it enacted, that if any candidate or other person or persons, shall practice force and

violence, with intent to influence unduly, or to overawe, interrupt, or hinder any election to be held in virtue of this act, every person so offending, shall on conviction thereof in the *circuit* court of the county wherein such offence shall be committed, suffer such Penalty. fine, not exceeding two hundred and fifty dollars and such imprisonment, not exceeding fifty days, as the court, in their discretion shall adjudge.

Sec. 28. And be it enacted, that it shall not be lawful for any commissioned or non-commissioned officer, having the command of any soldier or soldiers quartered or posted in any district of any county in this State to muster or embody any of the said troops, or to march any recruiting party, within the view of any place of election, during the time of holding said election, under the penalty of one hundred dollars.

Sec. 29. And be it enacted, that if any candidate at an election to be held in virtue of this act, or any other person or persons whatever * * * shall keep, or suffer to be kept, any house, tent, booth or other accommodation, in any part of any district at any time during the day of holding such election, and before the close thereof, at his or their expense, where any victuals or intoxicating liquors shall be gratuitously given or dealt out to voters, every such person or candidate so offending shall, on conviction thereof, in the *circuit* court of the county, wherein such offence Penalty. may be committed, be fined at the discretion of the court, a sum not exceeding five hundred dollars, and suffer such imprisonment as the court may adjudge, not exceeding six months.

Sec. 30. And be it enacted, that the clerks of the respective *circuit* courts shall endorse on the certificates and polls to be delivered to them as aforesaid, the day when received, and shall be allowed as a compensation for making out and forwarding the copies of said certificates to the Governor * * * aforesaid, the same compensation as is allowed for like services, to Compensation. be levied and paid for by the county as his other fees.

Clerks to endorse certificates and polls when received.

Allowance to
judges and
clerks of elec-
tions. Sec. 31. And be it enacted, that the said judges and clerks of elections respectively shall be allowed, for each election at which he attends as aforesaid, and for making the returns as aforesaid, the sum of four dollars per day to be levied and paid as other county charges.

In the city of Baltimore the judges are allowed no compensation for making the return of an election. 1829, chap. 7.

The per diem of judges and clerks is fixed at two dollars in Allegany county. See 1810, chap. 46. The allowance to judges and clerks in Dorchester county is three dollars per day. See 1827, chap. 16.

The same allowance is made in Frederick, Cecil, Caroline, Carroll, Montgomery and Harford counties, by 1843, chap. 146, and in Baltimore county, by 1849, chap. 174.

Sec. 32. *This section constituting Annapolis an election district for various purposes, has ceased to operate under the several amendments to the constitution.*

Governor to is-
sue proclama-
tion. Sec. 33. And be it enacted, that the Governor * on receiving the returns of the elections aforesaid for electors to choose a President and Vice President of the United States, and for members to represent this State in the Congress of the United States shall enumerate and ascertain the number of votes given for each and every person voted for as an elector, or member to Congress, aforesaid respectively and shall thereupon declare by proclamation, signed by him, the names of the persons duly elected, and in cases of members to Congress those duly elected in each respective district, and the Governor * * * shall cause such proclamation to be inserted in such newspapers on the Western and Eastern shores as he may direct.

Sec. 34. *This section is superseded by the act of 1833, chap. 261, which changes the election of electors from the district to the general ticket system.*

Sec. 35. *This section is repealed by the act of 1823, chap. 231, sec. 3.*

Sec. 36. And be it enacted, that all fines and penalties created and imposed by this act, unless herein otherwise particularly directed and provided for, shall and may be recovered in the name of the state, by indictment, in the *circuit court* of the county, wherein the same shall accrue, and be applied, one half thereof to the use of the informer, and the other half to the use of the county, and it shall be the duty of the clerk of the *circuit court* of such county to return ^{Annual return to be made.} Fines to be recovered by indictment.

Sec. 37. And be it enacted, that the judges of the different *circuit courts* shall give this act in charge to the grand juries of their respective counties, at the sitting of the court next after every election to be held therein. To be given in charge to grand juries.

Sec. 38. And be it enacted, that all laws, clauses ^{Laws repealed.} and sections of laws, repugnant to, or inconsistent with the provisions of this act, be and the same are hereby repealed.

1811—CHAPTER 204.

A supplement to an Act (1) entitled "An Act to reduce into one the Passed January several Acts of Assembly respecting elections, and to regulate said ^{7, 1812.} elections."

Section 1. Be it enacted by the general assembly of Maryland, that if any candidate, or any other person or persons whatever, shall, at any time before, or on the day of an election to be held in virtue of the law to which this is a supplement, give or bestow, or directly or indirectly promise any gift or reward to secure any person's vote or ballot at any such election, any such person or candidate so offending, shall, on ^{Persons giving rewards to secure votes.}

(1) 1805—chap. 97.

Penalty. conviction thereof in the *circuit* court of the county, wherein such offence may be committed, be fined at the discretion of the court, a sum not exceeding five hundred dollars, and suffer such imprisonment as the **Fines—how re-
covered.** court may adjudge, not exceeding six months.

Sec. 2. And be it enacted, that all fines and penalties created and imposed by this act, shall be recovered in the same manner as fines and penalties are, by the act to which this is a supplement.

1813—CHAPTER 170.

Passed January An Act to ascertain the allowance to Sheriffs for performing the duties
29, 1814. required of them respecting elections.

**Sheriff's allow-
ance.** Section 1. Be it enacted by the general assembly of Maryland, that the sheriffs in the several counties of this State, shall respectively be allowed the sum of twelve dollars for each and every election held in such county, for performing all such duties as they are by law required to perform relative to such elections: provided that when two or more of said elections shall be held on the same day, that the sheriff shall not be entitled to receive more than twelve dollars for such elections.

Levy to be made Sec. 2. And be it enacted, that the respective *county commissioners* in the several counties of this State be and they are hereby authorised and directed to levy the same annually at the time of laying the county levy, which shall be collected and paid as other county charges are.

Sec. 3. *This section directed the same allowance to be made to sheriffs who had not at that time received compensation for the services already performed.*

Sec. 4. *This section repeals all former laws making allowance to sheriffs for holding elections.*

1819—CHAPTER 174.

An Act empowering the judges of elections to administer oaths apper- Passed Feb. 14,
taining to elections. 1820.

Be it enacted by the general assembly of Maryland, ^{Judges may ad-}
that it shall and may be lawful for the several judges
of elections within this State to administer an oath,
or an affirmation in any inquiry which they may deem
necessary to be made, touching the right of any per-
son offering to vote, and if any person or persons shall
swear or affirm falsely and corruptly in relation there-
to, such person or persons shall, upon conviction there-
of, suffer the pains and penalties provided for those
convicted of perjury. <sup>False swearing
punished.</sup>

1829—CHAPTER 7.

An Act to alter the law in relation to the compensation of judges of Passed Jan. 20,
elections in the city of Baltimore. 1830.

Be it enacted by the general assembly of Maryland, <sup>No allowance
to be made for
return of elec-
tion in the city
of Baltimore..</sup>
that hereafter no judge of an election in the city of
Baltimore shall be allowed any compensation for mak-
ing the return of such election : provided that nothing ^{Proviso.}
herein contained shall be construed to deprive any
judge of an election of the compensation now allowed
for attending the same.

1833—CHAPTER 261.

Passed Mar. 15, 1834. A supplement to an Act (1) entitled "An Act to reduce into one the several acts of assembly respecting elections, and to regulate such elections.

Preamble.

Whereas the manner of appointing electors of President and Vice President of the United States by a general ticket, as directed by the legislatures of a large majority of the States, has the effect of giving the whole electoral vote of each of those States to one person, for each of those important offices, and the mode adopted and long used in the State of Maryland, of electing in separate districts of the State, one or at most two electors from each district, results in all cases of contest in giving a divided vote to the candidates for the highest offices in the government, and the majority of the citizens of Maryland are thereby deprived of their just weight in the choice of the chief magistrate, as compared with the majority of the citizens of most of the other States—therefore,

Electors of President to be elected by general ticket. Section 1. Be it enacted by the general assembly of Maryland that on the *Tuesday after the first Monday of November*, (2) preceding the time fixed by law of the United States, for the choice of President and Vice President of the United States, there shall be elected by general ticket, as many electors of President and Vice President, as this State shall be entitled to appoint, and each citizen of this State entitled to vote for delegates to the general assembly, shall have a right to vote for the whole number of electors, and the several persons to the number required to be chosen, having the highest number of votes, shall be declared and be deemed duly appointed electors, but forasmuch as some of the persons voted for as electors may have an equal number of votes, so as to defeat a

(1) 1805—Chap. 97.

(2) This day is fixed by act of Congress, approved January 23, 1845.

choice between them.—Be it enacted, that in such <sup>In case of a tie
—to be decided
by lot.</sup> case the Governor * * shall determine by lot which of the persons having such equal number of votes, shall be electors, so as to complete the whole number to which the State shall be entitled.

Sec. 2. And be it enacted, that in all other respects than is hereinbefore provided for, the said election shall be conducted * * in the same manner as is provided for in the act to which this is a supplement. ^{Election to be conducted as other elections.}

Sec. 3. And be it enacted, that upon the meeting of the persons returned elected electors of President and Vice President as provided for by this act, or as many of the said persons as may attend on the day appointed by the constitution and laws of the United States, before proceeding to perform the trust reposed in them, the place or places of any absent member or members, may be supplied by the members present, who shall have power to appoint the same, and the said person or persons when appointed and qualified, shall be entitled to all the rights and privileges of those proclaimed by the executive authority of the State, as duly elected electors of President and Vice President of the United States.

1844—CHAPTER 309.

An Act entitled an act to prevent illegal voting.

Passed Mar. 10,
1845.

Section 1. Be it enacted by the general assembly of Maryland, that * * * any person offering to vote in any of the counties of this State, or in the city of Baltimore, not being at the time of so offering to vote a citizen of the United States, twelve months a resident of this State, and six months preceding the election, a resident in the county or city in which he shall so offer to vote, shall be guilty of a misdemeanor and on conviction thereof in the *circuit* court of the county or <sup>Persons offering
to vote illegally.</sup> <sup>Guilty of a mis-
demeanor.</sup>

Punishment.

city in which said attempt shall be made, or in the city of Baltimore, shall be subject to a fine of not less than fifty dollars, nor more than five hundred dollars, and to imprisonment in the county jail for not less than one month, nor more than two years.

Bribery.

Sec. 2. And be it enacted, that if any person shall bribe or offer to bribe a legal voter, he shall be subject to the same fine and imprisonment as an illegal voter convicted as aforesaid.

Persons voting illegally.

Sec. 3. And be it further enacted, that any person who may hereafter vote at any election in this State, without possessing the qualifications of age and of residence, as now required by the laws of this State, shall upon conviction thereof in the *circuit* court of the county, where he may so vote, or in the *criminal* court of Baltimore, be subject to the same punishment prescribed in the first section of this act.

Punishment.

Sec. 4. Be it enacted, by the general assembly of Maryland, that any person voting or offering to vote in any of the counties of this State, or in the city of Baltimore, on the certificates of naturalization of any other person, shall be guilty of felony, and on conviction thereof, shall be punished by confinement in the penitentiary for not less than two nor more than six years.

Punishment.

The remainder of this act, which relates to the stamping of naturalization papers, has been repealed by the act of 1845, chap. 385.

1852—CHAPTER 52.

An Act to change the time of electing representatives of this State in Passed Mar. 10,
the Congress of the United States. 1852.

Section 1. Be it enacted by the general assembly Time of election
of Maryland, that the * * election of representatives of members
of this State in the Congress of the United States, of Congress
shall be on the first Wednesday of November, in the changed.
year of our Lord, one thousand eight hundred and
fifty-three, and on the same day in every second year
thereafter, unless there should be a special meeting
of Congress, called by the President of the United
States, to be holden previous to such day, and after
the expiration of the term of service of said represen-
tatives, in which event, the Governor of Maryland
shall by proclamation, direct such election to be held
on a day therein named by him, which said proclama-
tion shall require at least twenty days notice of each
election to be given by the sheriffs of the respective
counties and city of Baltimore.

Sec. 2. And be it enacted, that in case a vacancy Special election
should occur by death, resignation or otherwise, at to be held in
such a period as to make it necessary that a represen- case of vacan-
tative or representatives in Congress from this State, cies.
should be chosen before the regular time appointed by
law for such election, then the Governor shall, by
proclamation direct that a special election be held to
fill said vacancy or vacancies, which said proclama-
tion shall require at least twenty days notice of such
election, to be given by the sheriffs of the respective
counties or city of Baltimore, composing the Congres-
sional district or districts in which such vacancy or
vacancies may exist.

Sec. 3. *This section repeals so much of section 5 of the act of 1843, chapter 16, as fixes the first Wednesday in October as the day for electing representatives to Congress.*

1852—CHAPTER 183.

Passed May 25, An Act pursuant to the sixth section of the tenth article of the Constitution of 1852, relative to judges of elections.

^{Act of 1805, ch. 97, and supplements in force so far as applicable.} Section 1. Be it enacted by the general assembly of Maryland, that the act entitled "An Act to reduce into one the several acts of assembly respecting elections, and to regulate said elections," passed at the session of eighteen hundred and five, chapter ninety-seven, and the several supplements thereto, shall be in force and have effect in all elections, held pursuant to the present constitution, so far as the same are applicable, and are not altered or supplied by this act.

^{Judges to be appointed annually.} Sec. 2. And be enacted, that the judges of elections shall be appointed annually, that is to say, those for the several counties by the county commissioners; and for the city of Baltimore, by the mayor and a convention of the two branches of the city council, as city officers are now appointed.

^{Oath—by whom to be administered.} Sec. 3. And be it enacted, that the several judges may administer the oath, required to be taken, to each other, or take the same before a justice of the peace, and their clerks may either be sworn by one of the judges, or before a justice of the peace.

^{Returns to be made within five days.} Sec. 4. And be it enacted, that the returning judges shall make their returns in five days after each election, or sooner if practicable; and such returns shall be made in the several counties to the respective clerks of the circuit courts, and in the city of Baltimore, to the clerk of the superior court of that city.

^{Repeal.} Sec. 5. *This section repeals the 23d section of the act of 1805, chap. 97, which requires the mayor of the city of Baltimore to give public notice of elections, except so far as relates to elections of the mayor and city council.*

1853—CHAPTER 133.

An Act to carry into effect the third section of the first article of the Constitution, by prescribing punishments for fraudulent practices at elections. Passed May 2, 1853.

Section 1. Be it enacted by the general assembly of Maryland, that any person who shall remove into any election district, or ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in the first article of the constitution) or shall, at the same election, vote in more than one election district or ward, or shall vote, or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside, shall on conviction be punished by a fine not less than ten dollars nor exceeding one hundred dollars, and by imprisonment in the county or city jail for thirty days.

Sec. 2. And be it enacted, that it shall be the special duty of the judges of elections to give information to the respective State's attorneys of all infractions of this act, when discovered by them, under the penalty of twenty dollars for neglect in each case.

1853—CHAPTER 134.

An Act to carry into effect the provisions of the constitution relative to the returns of elections. Passed May 2, 1853.

Section 1. Be it enacted by the general assembly of Maryland, that all elections of judges and other officers, provided for by the constitution (except that of the Governor) shall be certified, and the returns made,

respectively, by the clerks of the circuit courts of the counties, and by the clerk of the superior court of Baltimore city to the Governor.

Returns of election of State's attorney.

Sec. 2. And be it enacted, that elections of State's attorneys shall also be certified, and returns made by the aforesaid officers to the judges respectively, who have criminal jurisdiction.

Returns of election of Governor

Sec. 3. And be it enacted, that elections of Governor shall be certified, and the returns under seal, made by the aforesaid officers, and addressed to the speaker of the house of delegates, and enclosed and transmitted to the secretary of State.

1853—CHAPTER 280.

Passed May 26,
1853.

An Act to divide the State into six Congressional districts.

State divided in
to six districts.

First district.

Second district.

Third district.

Section 1. Be it enacted by the general assembly of Maryland, that for the choosing of the six representatives in the Congress of the United States, this State shall be, and it is hereby divided into six districts, which shall be numbered from one to six: that Worcester county, Somerset county, Dorchester county, Talbot county, Caroline county and Queen Anne's county shall compose the first Congressional district, and shall be entitled to choose one representative; that Kent county, Cecil county, Harford county, the first, (1) second, third, fourth, fifth, sixth and seventh districts of Baltimore county and Carroll county, shall compose the second Congressional district, and shall be entitled to choose one representative; that the first eight wards of Baltimore city, or all the wards on the east side of Jones' falls, with the eighth, ninth, tenth,

(1) By the authority of the act of 1853, chap. 430, the county commissioners of Baltimore county divided the first district of said county and created an additional district which they numbered the thirteenth. The new district still forms a part of the second congressional district.

eleventh and twelfth districts of Baltimore county, shall compose the third Congressional district, and shall be entitled to choose one representative; that the wards of Baltimore city from ninth to twentieth inclusive, or all those wards on the west side of Jones' falls, shall compose the fourth Congressional district, and shall be entitled to choose one representative; that Frederick county, Washington county and Allegany county shall compose the fifth Congressional district, and shall be entitled to choose one representative; that Howard county, Montgomery county, Prince George's county, Charles county, Saint Mary's county, Calvert county, and Anne Arundel county, with the city of Annapolis, shall compose the sixth Congressional district, and shall be entitled to choose one representative.

Sec. 2. And be it enacted, that the returning judges of the elections for representatives to Congress of the first seven districts of Baltimore county, shall make a return separate from the return to be made by the returning judges of the remaining five districts, and the returning judges of the first eight wards of the city of Baltimore shall make a return separate from the return to be made by the judges of the remaining twelve wards.

BETTING ON ELECTIONS.

1838—CHAPTER 392.

An act to prevent betting on elections in the State of Maryland.

Passed April 5,
1839.

Sec. 1. Be it enacted by the general assembly of Maryland that from and after the passage of this act, it shall not be lawful for any person or persons to make any bet or wager on the result of any election or elections to take place in this State; and any per-

Penalty.

son or persons offending against this act shall be liable to indictment in the *circuit* courts of this State if the offence be committed in any county, and in the *criminal* court if the offence be committed in Baltimore city, and on conviction thereof, shall be fined a sum not less than fifty dollars, nor more than five hundred dollars to be collected as other fines.

Fines to be paid
to treasurer.

Sec. 2. And be it enacted, that all fines collected under this act shall be paid to the *State* treasurer for the benefit of the school fund of the State.

Deposites for-
feited to primary
school fund.

Sec. 3. And be it enacted, that every deposite of money hereafter in any part of the State as a wager or bet upon elections in this State or elsewhere, shall be forfeited and paid over to the * * county commissioners of the county, for the use of primary schools in said county.

BOUNDARIES OF THE WARDS OF THE CITY OF BALTIMORE.

FIRST WARD.—Beginning on the eastern boundary line at the centre of Fayette, formerly Pitt street, and running thence west to Wolf street; thence south to Bank street; thence west to Broadway; thence south to the water line; and thence by the water and boundary line to the place of beginning.

SECOND WARD.—Beginning at the corner of Bank street and Broadway; thence west to Exeter street; thence northwest to Fawn street; thence southeast to Jones' Falls; thence by the water line to the mouth of Jones' Falls; and thence round to Broadway; and thence north to the place of beginning.

THIRD WARD.—Beginning at the corner of Fayette (formerly Pitt) and Wolf streets; thence west to Harford Run; thence south to Bank street; thence east to Wolf street; and thence north to the place of beginning.

FOURTH WARD.—Beginning at the corner of Fayette, formerly Pitt street, and Harford Run; thence west to Jones Falls; thence south to Fawn street; thence northeast to Exeter street; thence southeast to Bank street; thence east to Harford Run; and thence north to the place of beginning.

FIFTH WARD.—Beginning at the corner of East and Fayette (formerly Pitt) streets; thence north to Hillen street; thence southwest to Jones' Falls; thence south to Fayette, formerly Pitt street; and thence to the place of beginning.

SIXTH WARD.—Beginning at the corner of Fayette, formerly Pitt street and Harford Run; thence north to the Belair road; thence northeast to Chew street; thence west to Sterling street; thence south to east Madison street; thence west to Ensor street; thence south and west by Ensor and Hillen streets to East street; thence south to Fayette, formerly Pitt street; and thence to the place of beginning.

SEVENTH WARD.—Beginning at the city boundary on Fayette, formerly Pitt street; thence west to Harford Run; thence north to the Belair road; thence to the boundary of the city line; and thence to the place of beginning.

EIGHTH WARD.—Beginning at the city boundary on the Belair road; thence southwest to Chew street; thence west to Sterling street; thence south to East Madison street; thence west to Ensor and Hillen streets to Jones' Falls; thence north to the city boundary; and thence to the place of begininng.

NINTH WARD.—Beginning at the corner of Jones' Falls and Baltimore street; thence west to Charles street; thence south to Pratt street; thence east to Bowly's wharf; and thence by the water line by the mouth of Jones' Falls up to the place of beginning.

TENTH WARD.—Beginning at the corner of Jones' Falls and Baltimore street; thence west to Charles street; thence north to Pleasant street; thence east to Jones' Falls; and thence south to the place of beginning.

ELEVENTH WARD.—Beginning at the city boundary and Jones' Falls; thence south by Jones' Falls to Pleasent street; thence west to Charles street; thence east to Saratoga street; thence north to Howard sreet; thence north to Cathedral street; thence to the city boundary; and thence east to the place of beginning.

TWELFTH WARD.—Beginning at the corner of Howard and Lexington streets; thence west to Pine street; thence north to George street; thence east to St. Mary's street; thence northeast to Madison street; thence east to Howard street; and thence south to the place of beginning.

THIRTEENTH WARD.—Beginning at the corner of Pratt and Charles streets; thence north to Saratoga street; thence west to Howard street; thence south to Pratt street; and thence to the place of beginning.

FOURTEENTH WARD.—Beginning at the corner of Howard and Pratt streets; thence north to Lexington street; thence west to Pine street; thence south to German street; thence west to Fremont street; thence south to Pratt street; thence east to the place of beginning.

FIFTEENTH WARD.—Beginning at the corner of Light and Pratt streets; thence west to Howard street; thence south to Montgomery street; thence by Montgomery street to the water line; and thence round by the water line to the beginning,.

SIXTEENTH WARD.—Beginning at the corner of Howard and Pratt streets; thence west to Fremont street; thence southeast to Eutaw street; thence north to Montgomery street; thence southeast to Howard street; and thence north to the place of beginning.

SEVENTEENTH WARD.—Beginning at the water line on Montgomery street; thence west and north to Eutaw street; thence southwest to the water of the Middle Branch of the Patapsco River; and thence by the boundary line of the city, round by Fort McHenry and the water line of the Basin, to the place of beginning.

EIGHTEENTH WARD.—Beginning at the water line on Eutaw street; thence northeast to Fremont street; thence northwest to German street; thence east to Pine street; thence north to Lexington street; thence west to the city boundary; and thence, by the city boundary line and Gwynn's Falls, to the place of beginning.

NINETEENTH WARD.—Beginning at the boundary line on Pennsylvania avenue; thence southeast to George street; thence west to Pine street; thence south to Lexington street; thence west to the boundary; and thence, by the boundary line, to the place of beginning.

TWENTIETH WARD.—Beginning at the boundary line on Cathedral street; thence south to Howard street; thence west and south to Madison street; thence west to St. Mary's street; thence southwest to Pennsylvania avenue; thence northwest to the boundary line; and thence to the place of beginning.

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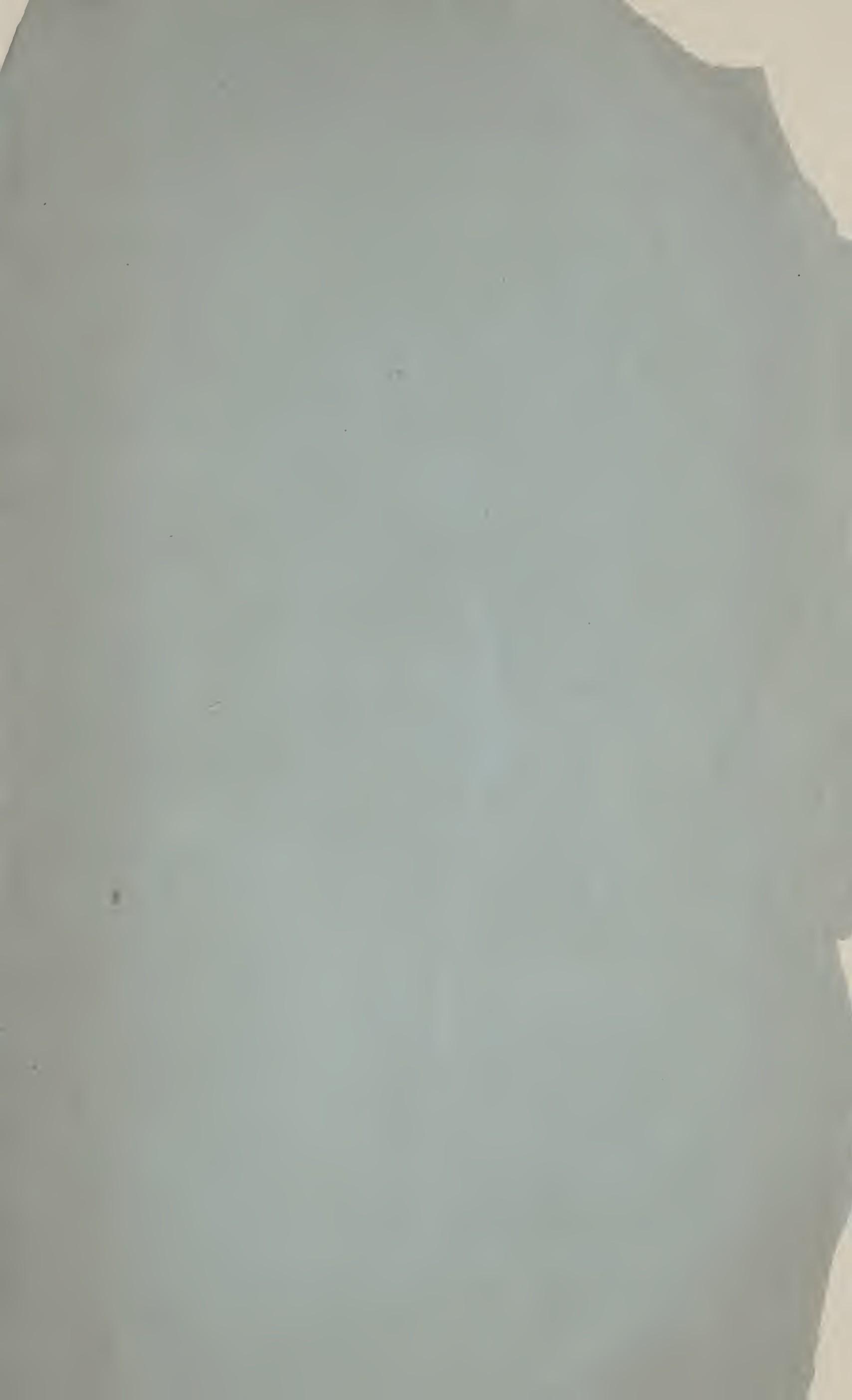
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